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May 27, 2008

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Notice of Ex Parte Communication

MM Docket No. 98-204

MM Docket No. 00-168

MB Docket No. 04-233

MB Docket No. 07-57 and Others

Dear Ms. Dortch:

We are writing on behalf of our client, the **Louisiana Association of Broadcasters** (the "LAB"), to give notice that on May 21, 2008, a meeting was held in the offices of Clear Channel Radio, Inc., 929 Howard Avenue, in New Orleans, Louisiana, between Commissioner Deborah Taylor Tate and Amy Blankenship, Legal Advisor to the Commissioner, and certain representatives of the Louisiana broadcast industry.

Representing the Louisiana broadcast industry were the following individuals: Irene Robinson - KWCL-FM, Oak Grove; Larry Delia and Chuck Sennett - WNOL and WGNO-TV, New Orleans; Jim Serra - KPLC-TV, Lake Charles; Tom Gay - KFNV-FM, Ferriday, KJNA, Jena, KMAR-TV, Winnsboro and KAPB-FM, Marksville; Dick Lewis - KSTE-FM, WNOE-FM, WODT(AM), WQUE-FM, WRNO-FM and WYLD(AM & FM), New Orleans; Susan Luchessi - KMJJ-FM, KRMD(AM), KRMD-FM, KVMA-FM, Shreveport; George Sirven - KPXJ-TV and KTBS-TV, Shreveport; Mike Barras - KLFY-TV, Lafayette; Lou Munson, President and CEO of the LAB; and the undersigned.

A summary of the subjects discussed during that meeting, and of the points made concerning each topic, is provided below:

1. **Localism**. The high degree of competition faced by broadcasting today eliminates the need for rules such as those proposed in the FCC's current localism proceeding. Broadcasters are performing substantial community service on an ongoing basis. Permanent advisory boards are unnecessary because broadcasters must already pay close attention to local issues in order to survive. Broadcasters will be caused great financial harm if they must relocate their presently-compliant main studios. Requiring stations to staff their main studios or transmission facilities during overnight hours will force many stations off the air during those

hours to avoid substantial additional staffing costs, thus reducing local public service. Radio broadcasters frequently air local artists.

2. Enhanced Disclosure Requirements. The exhausting program listings, ascertainment information and amounts of closed captioning programs and video description required by FCC Form 355 will impose substantial additional burdens on TV licensees without providing any practical benefit. Public inspection files should not be required to be posted on station web sites. The public seldom seeks access to such files, yet the cost of digitizing them is significant, particularly for small market broadcasters, who may be forced to eliminate station web sites if such a requirement is imposed.

3. TV Duopoly Rules. Local, single-owned broadcasters are affected by the duopoly rules more than group owners, particularly in negotiating deals with syndicators, equipment vendors and others. By loosening the ownership rules in small and medium size markets, the FCC may provide such broadcasters with more leverage to allow them to compete effectively in today's competitive marketplace.

4. Retransmission Issues. Discussions between many local, single-owned television broadcasters and satellite providers over retransmission agreements are at an impasse. The satellite companies do not believe such broadcasters should be paid the same amount as group-owned stations, which has resulted in their being taken off of satellite carriage. Should this situation continue past 2008, it may create significant problems to the digital transition.

5. Digital Transition. Digital transition viewer education is going well. One Shreveport television station two years ago turned off its analog signal and moved to full digital. Due to solid planning on the station's behalf and a strong viewer education program, little disruption to viewers occurred. Shreveport television broadcasters anticipate the same experience in February 2009, unless cable and satellite providers create problems with the current retransmission cycle being negotiated with broadcasters. The Shreveport market has 90% (ADS) cable and satellite penetration.

6. XM/Sirius Merger. The FCC should not modify or repeal the satellite DARS anti-merger rule, since doing so would (a) essentially reward XM and Sirius for having violated the Commission's pro-competitive rules that (i) required production of easy-to-use interoperable receivers prior to their final system design and (ii) prohibit such mergers; (b) allow the merged entity to siphon off local advertising revenue, thereby harming the ability of local broadcasters to produce local programming and have the financial capability to assist local communities in times of emergency, such as occurred in South Louisiana during and following Hurricane Katrina and Hurricane Rita; and (c) violate longstanding FCC policy by placing control of all spectrum in this entire service in the hands of only 1 entity—one composed of operators with a history of disregard of the interoperable radio requirement and have engaged in serious violations of FCC rules and FCC authorizations.

7. First Responders. First Responder status is essential for broadcasters to assist the public in the event of emergencies. For example, during a chemical spill in Lafayette, Louisiana, law enforcement authorities attempted to force the evacuation of local radio and television stations located on the fringe of the affected area, the operation of which were essential in disseminating news and updates of the emergency to the local public.

8. Satellite/Local to Local. The public in small television markets are being put at risk of losing reception of their local TV service by the refusal of DirecTV and EchoStar/DISH to act on retransmission approval of local stations' signals. In markets such as Lake Charles, Louisiana, neither provider includes either analog or digital local television service on their satellite-fed lineup, but they mislead area satellite subscribers to believe that they will get local service. Most of these households are located in areas that do not have access to cable service, so the satellite carriers have an effective monopoly. The local-into-local deadline of 2013 should be accelerated in all markets to the analog shut-off date of February 17, 2009 to ensure the safety of all Americans, no matter where they live, since many viewers rely on local television stations to provide a lifesaving link during emergencies, as was proven during the 2005 direct strike of Hurricane Rita in Southwest Louisiana

9. FCC Form 395-B. Broadcasters are making substantial efforts to comply with the FCC's Broadcast Equal Employment Opportunity Rule. Their high level of compliance has been demonstrated by the EEO-related audits which the Commission has performed over the last several years. The FCC should therefore refrain from making effective a requirement that such stations publicly file the race and gender data required by the FCC Form 395-B on a station-attributed basis. Such a requirement is not only unnecessary, but it would impermissibly place unconstitutional pressure on stations to hire based upon race and gender and the FCC has not shown any overriding agency need for such data.

Please associate this ex parte letter with the Commission's record in the proceedings referenced above.

Sincerely,

HEBERT, SPENCER, CUSIMANO & FRY, LLP



Charles L. Spencer, General Counsel
Louisiana Association of Broadcasters

cc via email:

Commissioner Deborah Taylor Tate

Amy Blankenship, Legal Advisor

Lou Munson, President and CEO, Louisiana Association of Broadcasters